



1 **HOBBS C. LAVEY**
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5 **UNITED STATES DISTRICT COURT**
 6 **DISTRICT OF ARIZONA**
 7 **FIRST AMENDED COMPLAINT**

8 HOBBES C. LAVEY,

9 Plaintiff,

10 vs.

11 JULIE ANN MATA; RONDA FISK;
 12 REBECCA WATSON; AMETHYST
 13 PRIVATE INVESTIGATIONS LLC;
 14 COUNTY OF MARICOPA; STATE OF
 15 ARIZONA and DOES 1 through 6,
 inclusive,

17 Defendants.

Case No.: 2:25-cv-00950

STIPULATION TO ENLARGE CASE
 DATES

JUDGE: Hon. Michael T. Morrissey

1. VIOLATION OF DUE PROCESS CLAUSE (U.S. CONST. AMEND. 14);
2. VIOLATION OF EQUAL PROTECTION CLAUSE (U.S. CONST. AMEND. 14);
3. VIOLATION OF FREEDOM OF SPEECH / RELIGION PRACTICE (U.S. CONST. AMEND. 1);
4. MUNICIPAL LIABILITY (*Monell* Liability) FOR FAILURE TO TRAIN AND/OR DISCIPLINE JUDICIAL OFFICERS (U.S. CONST. AMENDS. 1, 4, 5, 6, 14);
5. MUNICIPAL LIABILITY (*Monell* Liability) FOR CUSTOM / PRACTICE / POLICY (U.S. CONST. AMENDS. 1, 4, 5, 6, 14)
6. COMMON LAW INTENTIONAL INFILCTION OF EMOTION DISTRESS
7. COMMON LAW DEFAMATION

JURY TRIAL DEMANDED

COMPLAINT FOR DAMAGES

COMES NOW plaintiff Hobbes C. LaVey and shows this honorable court the following:

JURISDICTIONAL ALLEGATIONS

1. As this action is brought under 42 U.S.C. § 1983, this court has jurisdiction over this case under its federal question jurisdiction pursuant to 28 U.S.C. § 1331.

2. Individual liability for defendant Rebecca Watson and Amethyst Private Investigations LLC is brought under 42 U.S.C. § 1983. See *Dwares V. New York*. 985 F.2d 94. 98 (2d Cir. 1993). "A private individual may be subject to 1983 liability if they willfully collaborated with an official state actor in the deprivation of a federal right."

3. As the incidents complained of in this action occurred in the County of Maricopa, State of Arizona, within the territorial jurisdiction of this court, venue properly lies in this court pursuant to 28 U.S.C. § 1391(b)(2).

GENERAL ALLEGATIONS

4. Plaintiff Hobbes C. LaVey, hereinafter referred to as "LAVEY" or "plaintiff LAVEY", or "plaintiff" or "Plaintiff", is a natural person, who, at all times complained of in this action, resided in the County of Maricopa, State of Arizona.

5 Defendant Julie Ann Mata, hereinafter also referred to as

1 "MATA", is, and at all times complained of herein, was, a Judge employed by
2 Maricopa County, acting as an individual person under the color of state law, in her
3 individual capacity and was acting in the course of and within the scope of her
4 employment with defendant COUNTY and STATE.
5

6. Defendant Ronda Fisk, hereinafter also referred to as "FISK",
7 is, and at all times complained of herein, was, a Judge employed by Maricopa
8 County, acting as an individual person under the color of state law, in her
9 individual capacity and was acting in the course of and within the scope of her
10 employment with defendant COUNTY and STATE.
11

12. Defendant Rebecca Watson, hereinafter also referred to as
13 "WATSON", is, and at all time complained of herein, was, a Court Appointed
14 Advisor employed by Amethyst Private Investigations LLC, at the appointment of
15 MATA, COUNTY of Maricopa, and STATE of Arizona.
16

17. Defendant Amethyst Private Investigations LLC, hereinafter also
18 referred to as "API", is a private company located in the State of Arizona; within
19 the territorial jurisdiction of this court.
20

21. Defendant County of Maricopa, hereinafter also referred to as
22 "COUNTY", is a municipal entity located in the State of Arizona; within the
23 territorial jurisdiction of this court.
24

25. Defendant State of Arizona, hereinafter also referred to as
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COMPLAINT FOR DAMAGES

1 "STATE", is a constituent political entity located in the United States of America;
2 within the territorial jurisdiction of this court.
3

4 11. Defendants DOES 1 through 6, inclusive, are sworn peace officers
5 and / or clerks and/or assistances and/or investigators and/or some other public
6 officer, public official or employee of defendant COUNTY and/or otherwise
7 employed by the STATE, who in some way committed some or all of the tortious
8 actions (and constitutional violations) complained of in this action, and/or are
9 otherwise responsible for and liable to plaintiff for the acts complained of in this
10 action, whose identities are, and remain unknown to plaintiff, who will amend his
11 complaint to add and to show the actual names of said DOE defendants when
12 ascertained by plaintiff.
13
14

15 12. At all times complained of herein, DOES 1 through 6, inclusive, were
16 acting as individual persons acting under the color of state law, pursuant to their
17 authority as sworn peace officers and/or judges and/or clerks and/or investigators,
18 employed by COUNTY and STATE with some other police / law enforcement
19 agency, and were acting in the course of and within the scope of their employment
20 with defendant COUNTY and STATE and/or some other public entity.
21
22

23 13. Due Process Clause of the Fourteenth Amendment protects
24 fundamental parental rights . Courts have long held that "the natural right existing
25 between parents and their children is of constitutional dimensions." *In re Pensom*,
26

1 126 S.W.3d 251, 254 (Tex. App.-San Antonio 2003, no pet.); *Wiley v. Spratlan*, 543
2 S.W.2d 349, 352 (Tex. 1976).
3
4

5 14. As the U.S. Supreme Court recognized almost a century ago, "the child is
6 not the mere creature of the state; those who nurture him and direct his destiny have the
7 right, coupled with the high duty, to recognize and prepare him for additional
8 obligations." *Pierce v. Soc'y of Sisters*, 268 U.S. 510, 535 (1925).
9
10

11 15. Consistent with this recognition, the Court has held that the interest
12 parents possess with regard to their children is a fundamental liberty interest
13 protected by the Due Process Clause of the Fourteenth Amendment.
14
15

16 ·*Troxel v. Granville*, 530 U.S. 57, 65 (2000).

17 16. The Due Process Clause provides that no State shall "deprive any
18 person of life, liberty, or property, without due process of law." U.S. CONST.
19 amend. XIV,§ 1. In addition to guaranteeing fair process, Courts have held that this
20 Clause includes a substantive component that forbids the government from
21 infringing upon "certain 'fundamental' liberty interests at all, no matter what
22 process is provided, unless the infringement is narrowly tailored to serve a
23 compelling state interest." *Reno v. Flores*, 507 U.S. 292, 301-02 (1993). The Court
24 has long held that among the fundamental rights protected by the Due Process
25 Clause are certain fundamental parental rights. *Troxel*, 530 U.S. at 65; *Pierce*, 268
26
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1 U.S. at 534-35; Meyer v. Nebraska, 262 U.S. 390, 399 (1923) ("liberty" includes
2 the right of the individual to "establish a home and bring up children").
3

4 17. Plaintiff is presently unaware of the identities of DOES 1 through
5 6, inclusive, and will amend his complaint to add and to show the actual names of
7 said DOE defendants, when made known to plaintiff.
8

9 18. In addition to the above and foregoing, defendants MATA, FISK,
10 WATSON, API and DOES 1 through 6, inclusive, acted pursuant to a conspiracy,
11 agreement and understanding and common plan and scheme to deprive the plaintiff
12 of his federal Constitutional and statutory rights, and Arizona constitutional and
13 statutory state law rights, as complained of in this action.
14

16 19. Defendants MATA, FISK, WATSON, API and DOES 1 through 6,
17 inclusive, acted in joint and concerted action to so deprive the plaintiff of those
18 rights as complained of herein; all in violation of 42 U.S.C. § 1983, and otherwise
19 in violation of United States (Constitutional and statutory) law and Arizona
20 (Constitutional and statutory) state law.
21

23 20. Said conspiracy / agreement / understanding / plan / scheme / joint
24 action / concerted action, above-referenced, was a proximate cause of the violation
25 of the plaintiff's federal and state constitutional and statutory rights, as complained
26 of herein.
27

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COMPLAINT FOR DAMAGES

FIRST CAUSE OF ACTION
VIOLATION OF 42 U.S.C. § 1983

**Violation of Fourteenth Amendment Rights
Due Process Clause - Fundamental Parenting Rights
(Against Defendants MATA, FISK, WATSON, API and DOES 1 through 6,
inclusive)**

21. Plaintiff hereby realleges and incorporates by reference the allegations set forth in paragraphs 1 through 20, inclusive, above, as if set forth in full herein.

22. Paternity for common child J.R. was established in May 2023 after mother absconded with child to Georgia without warning on December 21st, 2022. Mother only returned in June 2023, after LAVEY filed suit for custody.

23. On December 6th, 2023, LAVEY was subjected to a second egregious act of malicious parental alienation from the mother by taking LAVEY's child out of the country without warning or consent.

24. Mother was arrested on December 11th, 2023 at Los Angeles International Airport, with LAVEY's child in her arms. Mugshot Provided.

25. LAVEY was intentionally deceived by mothers family claiming She had gone to Bangladesh. After LAVEY learned the truth, he immediately flew to Arizona and filed suit on March 12th, 2024.

26. Defendants MATA, FISK, WATSON, API and DOES 1 through 6, inclusive, while employed by COUNTY and STATE, happened to be assigned to LaVey v. Rezoana FC2024-050654.

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1 27. As soon as Paternity was established in 2023, LAVEY's Fourteenth
2 amendment rights to minor child J.R. came into effect. See, Arizona's Parental Bill
3 of Rights ARS 1-602.

4 28. MATA, FISK, WATSON, API and DOES 1 through 6, inclusive
5 refused LAVEY any contact with his minor child, no reason given as required. See,
6 Code of Conduct for U.S. Judges (Eff. March 12, 2019)

7 29. MATA ordered minor child to not leave COUNTY without LAVEY's
8 expressed written consent. Mother continually violated this order without
9 consequence. Including traveling to the Grand Canyon on December 25, 2024.

10 30. MATA then granted minor child's travel with mother without any
11 notice to father and without fathers consent on March 17th, 2025.

12 31. MATA, FISK and DOES 1 through 6, inclusive, are required to review
13 evidence and make decisions for the best interest of minor child. LAVEY believes
14 this is a malicious refusal to uphold the law and give mother a sexist advantage.
15 LAVEY pointed out the blatant sexism and was retaliated against, by withhold his
16 parental rights.

17 32. MATA refused to review evidence of perjury by WATSON stating
18 LAVEY should "get real" referring to MATA not being able to review evidence
19 before the hearing. Then in stunning contrast she reviewed mothers videos before
20 the next hearing on February 13th, 2025. LAVEY pointed out this abusive and
21 biased advantage again and was retaliated against.

COMPLAINT FOR DAMAGES

1 33. LAVEY has cause to believe MATA is biased, prejudice and cannot
2 receive a fair and impartial trial. FISK declined all motions for a new Judge in
3 Violation of ARS 12-409 and eroding public confidence in the judicial system.

4 34. As complained of herein above, none of the defendants to this action
5 had a logical or reasonable good faith belief LAVEY was a danger to his daughter,
6 nor reasonable suspicion of criminality afoot by the plaintiff, or any suspicion that
7 the plaintiff was a danger to anyone or anything.

8 35. Accordingly, the deprivation by defendants MATA, FISK, WATSON,
9 API and DOES 1 through 6, inclusive, by withholding his daughter, constituted an
10 unlawful and unreasonable burden on plaintiff, in violation of his rights under the
11 Fourteenth Amendment to the United States Constitution.

12 36. As a direct and proximate result of the actions of defendants MATA,
13 FISK, WATSON, API and DOES 1 through 6, inclusive, as complained of herein,
14 plaintiff: 1) was substantially physically, mentally and emotionally injured; 2)
15 incurred medical and psychological costs, bills and expenses and 3) incurred other
16 special and general damages and expenses in an amount to be proven at trial which
17 is in excess of \$4,000,000.00.

18 37. The actions by said defendants were committed maliciously,
19 oppressively and in reckless disregard of plaintiff's constitutional rights, sufficient
20 for an award of punitive / exemplary damages against all defendants and each of

them, save defendant COUNTY, in an amount to be proven at trial in excess of \$2,000,000.00.

SECOND CAUSE OF ACTION
VIOLATION OF 42 U.S.C. § 1983

**Violation of Fourteenth Amendment Rights
Equal Protection Clause - Discrimination Based on Gender
(Against Defendants MATA, FISK, WATSON, API and DOES 1 through 6,
inclusive)**

38. Plaintiff hereby realleges and incorporates by reference the allegations set forth in paragraphs 1 through 37, inclusive, above, as if set forth in full herein.

39. When asked why LAVEY was being denied his child, WATSON, MATA, FISK, and DOES 1 through 6, inclusive stated on a recording "It's difficult (to give custody) when the parent is the opposite gender."

40. LAVEY's gender is the prime motivating factor the deprivation of his parental rights. A clear violation of LAVEY's Fourteenth Amendment Rights. See, Reed v. Reed, 404 U.S. 71 (1971)

41. As complained of herein above, none of the defendants to this action had a logical or reasonable good faith belief LAVEY was a danger to his daughter, nor reasonable suspicion of criminality afoot by the plaintiff, or any suspicion that the plaintiff was a danger to anyone or anything.

42. Accordingly, the deprivation by defendants MATA, FISK, WATSON, API and DOES 1 through 6, inclusive, by withholding his daughter, constituted an

1 unlawful and unreasonable burden on plaintiff, in violation of his rights under the
 2 Fourteenth Amendment to the United States Constitution.
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4 43. As a direct and proximate result of the actions of defendants MATA,
 5 FISK, WATSON, API and DOES 1 through 6, inclusive, as complained of herein,
 6 plaintiff: 1) was substantially physically, mentally and emotionally injured; 2)
 7 incurred medical and psychological costs, bills and expenses and 3) incurred other
 8 special and general damages and expenses in an amount to be proven at trial which
 9 is in excess of \$4,000,000.00.
 10

11 44. The actions by said defendants were committed maliciously,
 12 oppressively and in reckless disregard of plaintiff's constitutional rights, sufficient
 13 for an award of punitive / exemplary damages against all defendants and each of
 14 them, save defendant COUNTY, in an amount to be proven at trial in excess of
 15 \$2,000,000.00.
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 21 **THIRD CAUSE OF ACTION**
 22 **VIOLATION OF 42 U.S.C. § 1983**

23 **Violation of First Amendment Rights - Freedom of Speech, Freedom of
 24 Religion and Right to Petition the Government for Redress of Grievance
 25 (Against Defendants MATA, WATSON, API and DOES 1 through 6, inclusive)**

26 45. Plaintiff hereby realleges and incorporates by reference the allegations
 27 set forth in paragraphs 1 through 44, inclusive, above, as if set forth in full herein.
 28

29 46. Moreover, the conduct of defendant MATA, WATSON, API and
 30 DOES 1 through 6, inclusive, violated LAVEY's rights of freedom of speech and

31
 32 **COMPLAINT FOR DAMAGES**

1 right to petition the government for redress of grievance, specifically when MATA,
2 WATSON, API and DOES 1 through 6, inclusive retaliated against LAVEY for
3 making a complaint against them.

4 47. Moreover, the conduct of defendant MATA, WATSON, API and
5 DOES 1 through 6, inclusive, violated LAVEY's rights of freedom of religion,
6 specifically when MATA, WATSON, API and DOES 1 through 6, inclusive
7 unlawfully deprived LAVEY of his parenting rights for Religious Training and
8 Education of his daughter. See, Wisconsin V. Yoder, 406 U.S. 205, 232 (1972).

9 48. A substantial or motivating factor in the decisions of the various
10 defendants to take the adverse actions against plaintiff as complained of in this
11 action, was LAVEY's exercise of his right to freedom of speech and right to
12 petition the government for redress of grievances under the First Amendment to the
13 United States Constitution.

14 49. Moreover, said defendants would not have taken said adverse actions
15 against LAVEY, had LAVEY not exercised his right to freedom of speech under the
16 First Amendment to the United States Constitution.

17 50. The conduct of MATA, FISK, WATSON, API and DOES 1 through 6,
18 inclusive, would chill a person of ordinary firmness from continuing to engage in
19 constitutionally protected activity.

20 51. As a direct and proximate result of said adverse actions taken against
21 said plaintiff by said defendants as described above, plaintiff suffered serious

COMPLAINT FOR DAMAGES

1 bodily injury, severe mental and emotional distress, medical and psychological
2 costs and expenses, lost wages / profits, attorney's fees and other special damages;
3 all in an amount to be proven at trial, in excess of \$4,000,000.00.

5 52. The actions of defendants and each of them, as complained of herein,
6 were done maliciously and in reckless disregard of plaintiff's constitutional rights
7 sufficient for an award of punitive / exemplary damages against said defendants,
8 save defendant COUNTY and STATE, in an amount to be proven at trial, in excess
9 of \$2,000,000.00.

12 **FOURTH CAUSE OF ACTION**
VIOLATION OF 42 U.S.C. § 1983

13 **FEDERAL CLAIM FOR FAILURE TO PROPERTY TRAIN AND FOR**
FAILURE TO PROPERLY HIRE / FIRE / DISCIPLINE / MONELL
LIABILITY

14 (Against Defendant COUNTY and STATE)

15 53. Plaintiff hereby realleges and incorporates by reference the
16 allegations set forth in paragraphs 1 through 52, inclusive, above, as if set forth in
17 full herein.

18 54. As complained of herein above, the acts of defendants MATA, FISK,
19 WATSON, API and DOES 1 through 6, deprived plaintiff of his rights under the
20 laws of the United States and The United States Constitution.

21 55. The training policies of COUNTY and STATE were not adequate to
22 train its judicial officer employees to properly and lawfully handle situations
23 similar to the one they were presented with when they confronted plaintiff,
24 including training on: 1) when they are permitted to deprive persons of their
25 COMPLAINT FOR DAMAGES

1 children; 2) training on the proper type and level governmental restriction to use
 2 on civilians; 3) training judicial officers that they may not retaliate against persons
 3 for exercising constitutionally protected speech; 4) that persons are allowed to
 4 make complaints against judicial officers, advisors, and investigators without
 5 retaliation; and 5) that they are never permitted to use lies and omissions against
 6 persons, or retaliate against them.
 7

10 56. In addition, the Fourteenth Amendment gives LAVEY the right to his
 11 daughter, and LAVEY's daughter the right to her father¹.
 12

13 57. Also, the First and Fourteenth Amendment gives LAVEY the right of
 14 religious training and education², was specifically violated by MATA, FISK,
 15 WATSON, API and DOES 1 through 6, inclusive, when they said "because of the
 16 things LAVEY said to her, (he should have supervised visitations)"
 17

19

20 ¹ In conjunction with the right to make decisions about the care, custody, and control of their children, the Due
 21 Process Clause (Amendment 14) guarantees the right of "parents and guardians to direct the upbringing and
 22 education of children under their control." *Pierce*, 268 U.S. at 534-35. In *Pierce*, the Court overturned a state law
 23 requiring parents to send their children to public school, emphasizing that the "fundamental theory of liberty upon
 24 which all governments in this Union repose excludes any general power of the state to standardize its children by
 25 forcing them to accept instruction from public teachers only." *Id.* at 535; *see also Meyer*, 262 U.S. at 403
 (overturning a state law that prohibited teaching in any language other than English). Lower courts expanding on
 this right have explained that *Meyer* and *Pierce* "evince the principle that the state cannot prevent parents from
 choosing a specific educational program," whether it be religious instruction at a private school or instruction in a
 foreign language. *Parker V. Hurley*, 514 F.3d 87, 101 (1st Cir. 2008); *see also Meyer*, 262 U.S. at 403; *Pierce*, 268
 U.S. at 534-35.

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27 ² In conjunction with the First Amendment, the Due Process Clause protects the right of parents "to guide the
 28 religious future and education of their children." *Wisconsin v. Yoder*, 406 U.S. 205, 232 (1972). *Wisconsin v. Yoder*
 addressed a challenge to a compulsory education law, which required school attendance until age 16, by Amish
 parents who objected to formal education beyond the eighth grade. *Id.* at 207-11. Recognizing that the parents'
 objections were firmly grounded in their religious beliefs, and that compulsory high school education could
 significantly alter the religious future of their children, the Court held that the First and Fourteenth Amendments
 "prevent the State from compelling respondents to cause their children to attend formal high school to age 16." *Id.* at
 234. In doing so, the Court emphasized that the "primary role of the parents in the upbringing of their children is
 now established beyond debate as an enduring American tradition." *Id.* at 232.

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1 58. Also, LAVEY realized MATA is a convicted criminal in the state of
2 Arizona with various convictions of moral turpitude, a major motivating factor for
3 the retaliation against LAVEY³.

4 59. Accordingly, these illegal, tortious, felonious and simply cruel
5 longstanding custom and practices of COUNTY and STATE were a proximate
6 cause of the actions that deprived LAVEY of his constitutional rights, and
7 affectively retaliating against the plaintiff.

8 60. Also, COUNTY and STATE was deliberately indifferent to the
9 obvious consequences of its failure to train its judicial officer employees
10 adequately.

11 61. The failure of COUNTY and STATE to provide adequate training
12 was also a proximate cause of the deprivation of plaintiff's rights by defendants
13 MATA, FISK, WATSON, and API and DOES 1 through 6, inclusive.

14 62. COUNTY and STATE's failure to train and its customs and practices
15 are so closely related to the deprivation of plaintiff's rights as to be the moving
16 force that ultimately caused plaintiff's injuries.

17 63. As a direct and proximate result of the actions of defendants MATA,
18 FISK, WATSON, API and DOES 1 through 6, inclusive, and each of them, as
19 complained of herein, Plaintiff: 1) was substantially mentally and emotionally
20

21 22 23 24 25 26 27 28
³ See, Included Exhibits.

1 injured; 2) incurred medical and psychological costs, bills and expenses; 3) and
2 incurred other special and general damages, including attorney's fees, investigator
3 fees and associated litigation costs and expenses; all in an amount to be proven at
4 trial in excess of \$4,000,000.00.
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FIFTH CAUSE OF ACTION
COMMON LAW DEFAMATION, LIBEL & INTENTIONAL INFILCTION
OF EMOTIONAL DISTRESS

**Including Violations of ARS 13-2702 & ARS 20-445
(Against MATA, FISK, WATSON, API and DOES 1 through 6, inclusive)**

13 64. Plaintiff hereby realleges and re-incorporates by reference the
14 allegations set forth in paragraphs 1 through 63 inclusive, above, as if set forth in
15 full herein.
16

17 65. As mentioned above and in addition to the above and foregoing, when
18 LAVEY was unlawfully deprived of his child, he was emotionally and
19 psychologically tortured by MATA, HARDER and DOES 1 through 6, inclusive.
20

21 66. The actions of Defendants MATA, FISK, WATSON, API and DOES 1
22 through 6, inclusive, as complained above herein, constituted a violation of
23 LAVEY's rights under the First and Fourteenth Amendment to the United States
24 Constitution to be free and establish a home and bring up children.
25

26 67. WATSON maliciously and knowingly provided false information
27 under oath on a non-existent and non-extraditable misdemeanor warrant in Texas
28 for LAVEY's arrest.

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1 68. LAVEY provided proof of this factual inaccuracy to MATA, FISK,
2 WATSON, API and DOES 1 through 6, inclusive.
3

4 69. WATSON included multiple falsehoods and purposefully omitted
5 findings. Example: Video of mother hitting LAVEY, calling LAVEY a "retard" and
6 a "fucking victim" while LAVEY was calming stating "Stop hitting me, go to bed"
7 was label to the court as "Recording of parents, mom asking for her phone, father
8 telling her to go to bed".
9

10 70. Examples Continued: Video of mother screaming at LAVEY while
11 child in arms, mother causing daughter to scream and cry due to her loud and
12 abusive words and tone. Mother uses strong profanity in excess of 50 times in a 6
13 min period of time. Yet, WATSON labels video as "parents in disagreement,
14 mother speaking loudly but was not screaming". In contrast WATSON labels
15 another video as "video of interaction with police, Father cussing".
16

17 71. Examples Continued: WATSON explains to court "mother has no
18 criminal record" even after LAVEY provided her mugshot and arrest record.
19

20 72. Defendants conspired against LAVEY to recklessly disregard proof
21 submitted, and deprive LAVEY of any contact to his daughter.
22

23 73. LAVEY publicly and legally objected and /or otherwise, protested
24 these criminal actions of Perjury ARS 20-445. Which provoked MATA, FISK to
25 retaliate, by keeping LAVEY's minor child J.R. at effectively at no contact.
26

27 74. MATA and FISK ensured no contact between LAVEY and his
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COMPLAINT FOR DAMAGES

1 daughter by demanding supervised visitation at cost, even though LAVEY has
2 proven indigent.
3

4 75. Then, to add insult to injury MATA and FISK alleged LAVEY is
5 neglecting and abusing his daughter by not maintaining contact with her, even tho
6 MATA, FISK, WATSON, API and DOES 1 through 6 inclusive, are purposefully
7 stopping LAVEY's ability to provide care to his daughter.
8

9 76. As a direct and proximate result of the actions of Defendants MATA,
10 FISK, WATSON, API and DOES 1 through 6, inclusive, LAVEY was: 1)
11 substantially mentally and emotionally injured; 2) incurred medical and
12 psychological costs, bills and expenses, 3) incurred lost wages and profits, and 4)
13 suffered terrible physical injury, pain and suffering, as well as mental and
14 emotional pain and suffering, and 5) suffered / is suffering lost wages and profits;
15 all in an amount to be proven at trial; in excess of \$4,000,000.00.
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18 77. The actions of said defendants, and each of them, as complained of
19 herein, were committed maliciously, oppressively and in reckless disregard of
20 LAVEY's constitutional rights, sufficient for an award of punitive / exemplary
21 damages against said defendants, save COUNTY and STATE, in an amount to be
22 proven at trial, in excess of \$2,000,000.00.
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COMPLAINT FOR DAMAGES

COMPLAINT SUMMARY
(In Tandem with the Abuse of Twombly / Iqbal)

78. Plaintiff LAVEY alleges and brings forth in this complaint certain facts which surpass the current sentiment on pleading standard. See, Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007), and *Ashcroft v. Iqbal*, 556 U.S. 662 (2009).

79. WATSON lied, defamed, and purposefully manipulated and knowingly omitted facts to deprive LAVEY of his parental rights. See, *Dwares V. New York*. 985 F.2d 94. 98 (2d Cir. 1993). "A private individual may be subject to 42 USC 1983 liability if they willfully collaborated with an official state actor in the deprivation of a federal right."

80. MATA and FISK purposefully and maliciously stripped LAVEY of parental rights, without legal cause, reason or justification.

81. At the heart of Due Process is the notion that judges are required to take into account individuals constitutional rights. Whether Petitioner or Respondent, Plaintiff or Defendant.

82. Courts have long held that among the fundamental rights protected by the Due Process Clause are certain fundamental parental rights. *Troxel*, 530 U.S. at 65; *Pierce*, 268 U.S. at 534-35; *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923) ("liberty" includes the right of the individual to "establish a home and bring up children").

1 83. Put simply, WATSON asked and recommended MATA violate
2 LAVEY's first and fourteenth amendment rights, MATA complied and FISK
3 knowingly allowed it to continue.

4 84. LAVEY has not be able to have any connection with his child due to
5 WATSON, MATA and FISK's actions.

6 85. These specific actions taken against LAVEY move the alleged
7 complaint from merely possible to plausible.

8 86. In the case of Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007),
9 plaintiffs alleged a conspiracy based on the circumstantial evidence of companies
10 not doing business in certain states. This is possible, however, unlikely one might
11 be able to prove in a court of law. Therefore, the Supreme Court rightly deemed the
12 case not meeting the legal standard of plausibility. See, Bell Atlantic Corp. v.
13 Twombly, 550 U.S. 544 (2007).

14 87. Put Simply, William Twombly and Lawrence Marcus alleged that it
15 was possible they suffered damages to an indirect and nebulous series of events
16 and corporate actions. See, Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007).

17 88. In vast juxtaposition, Plaintiff LaVey has alleged direct actions and
18 facts by WATSON, direct actions by MATA, and direct actions by FISK which
19 were wholly responsible for the deprivation of LaVey's Constitutional Rights and
20 total loss of his minor child J.R.

1 89. LAVEY has a right to his minor child J.R. WATSON, MATA, and
2 FISK violated that right, by their actions and documented rulings of preventing
3 LAVEY from being a father.

4 90. LAVEY currently has no excess to his minor child J.R. WATSON,
5 MATA, and FISK are actively engaged in violated that right, by their actions and
6 documented rulings.

7 91. *Ashcroft v. Iqbal*, 556 U.S. 662 (2009) holds that individual top
8 government officials may not be liable for actions of their subordinates. Plaintiff
9 LAVEY is not suing a top government official, instead Plaintiff LAVEY moves
10 against COUNTY and STATE. See, *Monell v. Department of Social Services*, 436
11 U.S. 658 (1978)

12 92. Twombly / Iqbal should not be used as a weapon against pro se
13 plaintiffs to test if they have the legal fortitude to bring a case to fruition.

14 93. Nor should Twombly / Iqbal be used as cost saving measure or
15 punishment against indigent individuals seeking to exercise their First Amendment
16 right to petition the government for redress of grievances without fees.

17 94. Plaintiff LAVEY brings forth a complaint of the most seriousness and
18 importance. Destruction of the nuclear family by COUNTY and STATE actors will
19 not be allowed to continue.

WHEREFORE, plaintiff prays for judgment as follows:

- a) For a judgment against all defendants for compensatory damages in an amount in excess of \$4,000,000.00;
- b) For a judgment against all defendants, save defendant COUNTY, for punitive damages in an amount in excess of \$2,000,000.00;
- c) For an award of reasonable attorney's fees and costs;
- d) For a trial by jury; and
- e) For such other and further relief as this honorable court deems just and equitable.
- f) The immediate return of Plaintiff LaVey's Daughter J.R.
- g) A restoration of parental rights in the Ninth District.
- h) Public admonishments to defendants MATA and FISK.
- i) Perjury charges against defendant WATSON.

HOBBES C. LAVEY

“A lie gets halfway around the world before the truth has a chance to get its pants on.”

COMPLAINT FOR DAMAGES